



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

630 – VEHICLE THEFTS, PRIOR AUTHORITY VEHICLE USE and THEFT BY FRAUD

GENERAL ORDER: 2013 – 07
ISSUED: February 19, 2013

EFFECTIVE: February 19, 2013

REVIEWED/APPROVED BY:
Captain Regina Howard
DATE: March 3, 2014

ACTION: Amends General Order 2013-02 (January 18, 2013)

WILEAG STANDARD(S): NONE

630.00 PURPOSE

The purpose of this standard operating procedure is to establish procedures for properly investigating and reporting vehicle thefts, prior authority use vehicles and theft by fraud when applied to vehicles.

630.05 DEFINITION

A. MOTOR VEHICLE THEFT

Vehicles taken by persons not having lawful access to the vehicle.

B. PRIOR AUTHORITY

Is not a crime and is defined as temporarily taking a vehicle for use when prior authority has been granted or can be assumed, such as in family situations; or others having lawful access to the vehicle. Examples of prior authority include members of the same household, boyfriends/girlfriends, family members, friends, etc. that have been granted lawful access to operate the vehicle by the vehicle owner at the time the vehicle was taken or in the recent past on a continuous and/or assumed basis.

C. THEFT BY FRAUD

In this standard operating procedure is defined as the taking of a vehicle by an individual who had lawful possession of the vehicle, which was either rented, loaned, or entrusted to them and through deceit, promised to return it, but kept the vehicle. An example is where a person intentionally fails to return a rental vehicle upon the expiration of a written lease/rental agreement. Theft by Fraud also includes the exchange of a vehicle during an illegal transaction (e.g., drugs and/or prostitution).

630.10 VEHICLE THEFT INVESTIGATION

- A. Department members shall file a Motor Vehicle Theft 943.23(2) incident report where the member's investigation reveals an unknown or known person has taken a vehicle without having lawful access to the vehicle or without having assumed authority or been granted authority.

- B. Department members shall file a Theft by Fraud 943.20(1)(d) incident report where the member's investigation reveals a person has been granted authority or has assumed authority through an illegal completed transaction (e.g., drugs or prostitution).
- C. Department members shall file a Theft by Fraud 943.20(1)(e) incident report where the member's investigation reveals a person who rented/leased a vehicle fails to return a rental vehicle upon the expiration of a written lease or rental agreement.
- D. Department members shall file a Prior Authority Vehicle Use incident report where the member's investigation reveals prior authority was granted and/or can be assumed. Department members shall articulate within the body of the narrative the "assumed/granted" circumstances (e.g., known actor, owner's boyfriend with assumed and granted authority and having lawful access to the vehicle took vehicle). Members can access instructions on how to file a Prior Authority Use incident report in ARS by going to the link on the Directives Intranet. The link is found in the left column menu under the "Miscellaneous Information" tab, Prior Authority and Theft by Fraud - Vehicles Reporting Aids Link.
- E. Department members shall file a *Vehicle Supplement* (form PT-37) where investigation reveals Motor Vehicle Theft, Prior Authority Vehicle Use and Theft by Fraud. The investigating member shall as soon as practicable, broadcast a description and other pertinent information regarding the stolen vehicle via department radio and complete a teletype with vehicle and suspect information. The PT-37 shall be sent to Open Records for imaging. If a victim refuses to sign the PT-37, the complaint will be deemed baseless and no reports shall be filed.
- F. Department members shall file Prior Authority Vehicle Use incident reports and are required to enter an ALL DABS teletype, which shall include the verbiage, "Prior Authority Vehicle Use," the incident number, the vehicle description (color, make, model, VIN, license plate...) and the filing officer's name and people soft. Department members shall then complete an *Investigative Alert* form (form PS-23E) and forward via fax to X7108 within 24 hours to the Technical Communications Division-NCIC Unit. The TCD-NCIC Unit shall enter the *Investigative Alert* (form PS-23E) as IAYear-7 (e.g., IA13-7001) as this will be the MINT identifier for Prior Authority Vehicle Use. The *Investigative Alert* (form PS-23E) shall be retained at the Technical Communications Division-NCIC Unit until the vehicle is recovered. Upon cancellation of the investigative alert from the MINT, the *Investigative Alert* form (form PS-23E) will then be forwarded to Open Records for imaging.
- G. Department members shall file Theft by Fraud incident reports and are required to enter an ALL DABS teletype within 24 hours of the reported theft, which shall include the verbiage, "Theft by Fraud," the incident number, the vehicle description (color, make, model, VIN, license plate...) and the filing officer's name and people soft. The Technical Communications Division-NCIC Unit shall then enter the vehicle into NCIC as a stolen vehicle, noting the theft by fraud circumstances (e.g., vehicle is a rental vehicle, vehicle was exchanged during a drug transaction).
- H. Once it is determined that a vehicle theft occurred and the complainant has signed the

Vehicle Supplement (form PT-37), the investigating member shall obtain an incident report number. [REDACTED]

[REDACTED]

- I. All reports shall be entered into ARS and the nature of the call for Vehicle Theft shall be "MOTOVEHTFT"; for Theft by Fraud "FRAUDS"; and for Prior Authority Vehicle Use "PRIORAUTH".
- J. The investigating member shall enter a supplement (NEW) in ARS, when applicable. Prior Authority Vehicle Use supplement reports shall be filed by the Technical Communications Division-NCIC Unit when entering and cancelling an *Investigative Alert* (form PS-23E).
- K. Upon completion of the ARS motor vehicle theft entry, the TCD-NCIC Unit (Stolen Vehicle Desk) personnel shall immediately enter stolen vehicle information into the NCIC/CIB system.
- L. Persons reporting a motor vehicle theft, prior authority vehicle or theft by fraud by phone should be normally directed to respond in person to a district station in order to have their theft investigated. A squad may be dispatched to the complainant's location if the complainant is unable to report in person, if exigent circumstances exist that prevent the complainant from reporting the theft in person, or at the discretion of the district commanding officer.
- M. The investigating member shall first query the license plate and Vehicle Identification Number (VIN) through the Department of Transportation (DOT) to verify vehicle ownership. The member shall then contact the Department of Public Works (DPW) Tow Desk and provide the VIN and license plate number to ensure the vehicle has not been towed or repossessed.
- N. If a vehicle is taken in or used in a major crime (e.g., robbery, burglary) that information shall be entered into ARS by the investigating member under the 'vehicle' tab. The vehicle information must also be included on the ALL DABS teletype, especially if weapons were involved in the incident. [REDACTED]
[REDACTED]
TCD-NCIC Unit personnel shall immediately enter the stolen vehicle information into the NCIC/CIB System.
- O. Shift commanders are responsible for the supervisory approval of all reports entered into ARS by their investigating members. Technical Communications Division supervisors are responsible for the supervisory approval and Records Management Division personnel are responsible for the final review, freeze and transfer of all stolen and recovered vehicle incident reports that are called in to the Stolen Vehicle Desk. The Technical Communications Division-NCIC Unit is responsible for the validation of stolen vehicle information and vehicles entered into the NCIC/CIB system.

- P. Once it is determined that a Prior Authority Vehicle Use or Theft by Fraud occurred and the complainant has signed the *Vehicle Supplement* (form PT-37), the investigating member shall obtain an incident report number and follow the procedures outlined in 630.10(F) and 630.10(G).

630.15 RECOVERED STOLEN and THEFT BY FRAUD

A. CITIZEN RECOVERIES

1. Citizens locating their reported stolen vehicle shall not be allowed to cancel their vehicle incident report by telephone. A squad shall be dispatched to their location to verify the return of the vehicle.
2. If a citizen reports in person with the vehicle to a district station, an officer shall verify the recovery of the stolen vehicle.

B. RECOVERY PROCEDURES

Police members locating a reported stolen vehicle or verifying a vehicle recovered by the owner/operator shall:

1. Confirm ownership, license, VIN, and registration of the recovered vehicle.
2. Stolen vehicles shall not be processed for evidence, unless one of the following situations exist:
 - a. The vehicle was taken during the commission of a felony, other than the vehicle theft itself or operating auto without owner's consent.
 - b. The vehicle was used in a felony after the vehicle was stolen.
 - c. The investigating member has a compelling reason to believe that physical evidence exists that will directly link the vehicle theft to the person(s) responsible for the theft or the person(s) that operated the vehicle after it was stolen.
3. Reasonable effort shall be made by the investigating member to contact the vehicle owner. This may be done in person, by phone, or by leaving a *Referral Memo* (form PR-3) at the owner's residence.
4. If the owner is unavailable or unable to come to the scene to claim their vehicle within a reasonable amount of time, the investigating member shall contact the DPW Tow Desk and obtain a tow reference number.
5. If a vehicle is going to be towed, all relevant information shall be documented on the tow slip including all damage to the vehicle and property located inside of the vehicle.
6. The investigating member shall contact the Stolen Vehicle Desk at (X7788) to have

the recovered vehicle information entered into ARS.

7. In those cases where the investigating member deems it necessary to document the events or pertinent information regarding the vehicle recovery, they shall enter their own supplement (NEW) into ARS. Members shall not access the recovery report entered by the Stolen Vehicle Desk personnel or add their information to this report.
8. Upon receipt of the recovery information, the Technical Communications Division-NCIC Unit personnel shall immediately remove stolen vehicles from the NCIC/CIB system. They shall enter the license plates into the NCIC/CIB system if not recovered with the vehicle.

C. VEHICLES RECOVERED BEFORE BEING REPORTED STOLEN

1. Police members locating a vehicle, which may be stolen, but has not yet been reported, shall make every effort to contact the owner.
2. If the owner confirms that the vehicle is stolen, the investigating member shall follow the aforementioned vehicle theft investigation and recovery procedures.
3. If the investigating member is unable to make contact with the owner within a reasonable amount of time, the vehicle shall be towed for safekeeping.

D. LOCAL STEAL/ LOCAL RECOVERY- ARREST FOR VEHICLE THEFT and/or THEFT BY FRAUD

1. Upon making an arrest, the investigating member shall obtain an incident report number for Operating Auto without Owner's Consent (OAWOOC).
2. The investigating member shall notify their shift commander who will in turn notify the Geographic Investigations Division shift commander of the arrest.
3. If the Geographic Investigations Division is not responding to the scene, members shall follow the vehicle recovery procedures in 630.15(B).
4. The investigating member shall enter the OAWOOC, to include the arrest, as an Original (ORIG) into ARS as follows:
 - Nature of call: shall be MOTOVEHTFT (motor vehicle theft).
 - Location field: is the location where the OAWOOC was observed.
 - Offense sub tab: offense is 943.23(3) (Drive/Oper Veh WO Consent: Unaut Use Vehicle).
 - Report extra sub tab: enter related IR # (this is the motor vehicle theft IR #).
 - Victim tab: Enter the victim information that is listed in the motor vehicle theft report.
 - Vehicle tab: involvement field – involvement shall be "CRM" (object of a crime).
 - Recovery sub tab: Enter nothing. This information should already be in the "recovered vehicle" ARS report.

E. OUTSIDE JURISDICTION STEAL RECOVERED LOCALLY

1. Vehicles reported stolen by outside agencies and subsequently recovered in the city of Milwaukee, whether there is a related arrest or not, require teletype notification to the outside agency by the investigating member's work location advising them that we have recovered a vehicle stolen from their jurisdiction and requesting the following:

- Confirmation of the vehicle theft.
- A copy of the outside agencies reports related to the theft.
- If a member of the outside jurisdiction will be responding to the scene of the recovery.
- If the vehicle owner will be responding to claim their auto or if it should be towed.

a. No Arrests

1. The outside jurisdiction shall be notified of the recovery via teletype.
2. The investigating member shall obtain an incident report number and then contact the DPW-Tow Desk to have the vehicle towed if the owner is unable to retrieve their vehicle within a reasonable amount of time.
3. If the outside jurisdiction will not be responding to the scene to process the recovery, members shall follow the vehicle recovery process noted in 630.15(B).
4. The investigating member shall enter the outside jurisdiction's recovery report into ARS as an original (ORIG) as follows:
 - The nature of call shall be "OUTSIDEREC".
 - The location field shall indicate the address where the vehicle was stolen.
 - No offense shall be entered in the offense sub tab.
 - No victim shall be entered in the person's tab. Involvement of the owner (victim) shall be entered as "REP" (reported by).
 - Vehicle tab, "Involvement" field, officers shall select "OUT" (outside recovery other agency).
 - Recovery sub tab, "St/Loc/Rec" field, officers shall select "OL" (stolen other/recovered local).

b. Arrests

1. The outside jurisdiction shall be notified via teletype.
2. The investigating member shall notify their shift commander to determine if the Geographic Investigations Division will be assisting in the investigation.

3. If the Geographic Investigations Division or the outside jurisdiction will not be responding to the scene to process the recovery, members shall follow the vehicle recovery process noted in 630.10(B).
4. The investigating member shall obtain an incident report number and then contact the DPW-Tow Desk to have the vehicle towed if the owner is unable to retrieve their vehicle within a reasonable amount of time.
5. The investigating member shall then enter the outside jurisdiction's recovery report into ARS as an original (ORIG) as follows:
 - The nature of call shall be "MOTOVEHTFT".
 - The location field shall indicate the location where the vehicle was stopped and/or located.
 - Offense sub tab, offense is 943.23(3) (Drive/Oper Veh WO Consent/UnauthUseVehicle).
 - Persons tab, one of the "involvements" will be "VIC" (victim (person) the person who is the owner of the vehicle).
 - Vehicle tab: "involvement" field, officers shall select "SAR" (stolen and recovered).
 - Recovery sub tab: "St/Loc/Rec" field, officers shall select "OL" (stolen other/recovered local).
6. All of the outside agency's reports and teletype correspondence shall be sent to Open Records for imaging.

F. RECOVERIES MADE BY OUTSIDE AGENCIES

1. When an outside agency recovers a stolen vehicle that was entered into the NCIC/CIB system by the Milwaukee Police Department, that agency shall notify our department via teletype **REDACTED**
2. Upon receipt of the teletype, the Technical Communications Division-NCIC Unit personnel shall immediately remove the stolen vehicle information from the NCIC/CIB system, notify the owner, enter the recovery information into ARS, and provide the outside agency with complainant information available from the Records Management System and/or Intellinetics.

630.20 PRIOR AUTHORITY LOCAL RECOVERIES – WITH OR WITHOUT ARREST

A. ARREST AUTHORITY

1. Prior authority is not a reportable crime as defined by FBI Uniform Crime Report (UCR) standards. Members do not have probable cause to arrest on prior authority and only have arrest authority if there is a warrant for a previous incident report or outstanding state warrant.
2. Department members recovering prior authority vehicles shall confirm ownership,

license, VIN and registration of the recovered vehicle. A wanted check on the driver of the recovered prior authority vehicle will reveal the *Investigative Alert* (form PS-23E) and require the member to access the ARS incident report to locate the owner's contact information. After confirmation, the member shall contact the owner to come to the scene to claim their vehicle within a reasonable amount of time or the vehicle will be towed at the owner's expense. Members shall then

REDACTED

3. If a member's investigation during a prior authority vehicle traffic stop reveals the operator of the prior authority vehicle has an outstanding warrant from a previous reportable crime, the member shall file a supplement report to clear the incident in the ARS and the warrant according to current protocol.
4. If a member's investigation during a prior authority vehicle traffic stop reveals the operator of the prior authority vehicle has an outstanding state warrant (e.g., probation/parole violation, bail jumping, child support) the member shall file a ARS supplement report with the offense of PRIOR AUTHORITY VEHICLE U PAV OUTSTANDING WARRANT ARREST and indicate the charge of 968.07(1)(B).

630.25 PRIOR AUTHORITY RESOURCES

A. DIRECTIVES INTRANET

1. The Prior Authority Vehicle Use report where no recovery has been filed in ARS
REDACTED
2. REDACTED filing of these incidents.

B. PRIOR AUTHORITY VEHICLE USE DATABASE

The Prior Authority Vehicles will be exported from the Tiburon Automated Reporting System into the Prior Authority Vehicle Use database for department tracking and quality control maintenance. The database will only be accessible to the Office of Management, Analysis and Planning and designated DPR personnel. Members shall refer to Differential Police Response (DPR) SOI regarding DPR procedures.



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CHIEF OF POLICE